Subject: CCA Reflects: Mitchell v. City of Los Angeles – It's Time to Stand Up - August 2018
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CCA Reflects is a monthly series where we share our insights on what is happening in DTLA and the region.

Mitchell v. City of Los Angeles -- It's Time to Stand Up

Homelessness affects us all. We see every day that our city is in the middle of a crisis and that we are struggling to meet our collective responsibilities. There has been an abundance of media coverage that has thoroughly examined the issue. For example, *Dateline*'s recent special on homelessness called "City of Angels" showcased the state of our streets with a special focus on Downtown Los Angeles. Homelessness is a complicated issue and there are many reasons for the growing epidemic and why it is so difficult to solve. One of the hardships we face is the series of legal actions that has kept the City's hands tied from properly managing our sidewalks. We need to end the cycle that further entrenches the status quo of people living on the street and instead push comprehensive and thoughtful solutions that move people to interim and permanent housing.

Mitchell v. City of Los Angeles is a case filed against the City of Los Angeles in the Central District of California by the Legal Aid Foundation of Los Angeles. In April 2016, the district court issued a preliminary injunction against the City, which effectively eliminates any limits on personal goods on the public right of way, and applied the injunction only to Downtown, specifically from Spring to Alameda and 3rd to 8th Streets. The court accepted the plaintiffs' allegations as true for the purpose of formulating its order, and it held that the alleged conduct of the City raised Fourth Amendment privacy and Fourteenth Amendment Due Process concerns.

The City Council will be discussing this lawsuit and deciding how to proceed before the February 2019 trial date. The City has a few options: (1) settle the *Mitchell* case in accordance with the current injunction so it only applies to Downtown, (2) enter into a citywide settlement or (3) go to trial. **We are strongly advocating for the City to go to trial and not settle on terms that would decrease the quality of life for the homeless population in Downtown.**

Settling the case so that the terms only apply to Downtown would be devastating. This could permanently remove the 60-gallon limit on the amount of personal property established in LA Municipal Code 56.11 (Storage of Personal Goods) only in Downtown. Eliminating this limit will result in further densification of the Downtown homeless population and make it more challenging to provide housing, services and facilities to meet the current need. This will also prevent people from seeking services, reconciling with family or significant others, or actively pursuing housing and other life opportunities by making life on the sidewalk permanent.

Homeless services, facilities and housing are the answers to ending homelessness, not the precursors to allowing unlimited goods on the public right of way. The Downtown area included in *Mitchell* has the highest concentration of homeless individuals, housing and facilities. **What precedent does it set for building homeless housing and the City's "A Bridge Home" initiative if the area with the most homeless services and housing is the place without limits on goods on the public right of way?**

A Downtown-only settlement implies that those who currently have housing or are engaged in services to get off the streets in Downtown deserve less than those who live in the rest of the city. Why should people in one neighborhood be treated differently? **It is bad public policy to deny people in Downtown the same rights that we provide to other residents in the city.**

In addition, **we are very concerned that permanently setting a different standard in one neighborhood is unconstitutional and would set the City up for litigation in other neighborhoods**. Singling out Downtown is not the solution.

We believe that the City has a strong case for going to trial. For the preliminary injunction phase of *Mitchell*, Judge Otero of the Central District of California did not have to review the City's evidence. If the case goes to trial, he will have to enter the

trying of facts phase and consider the City's conflicting evidence.

Judge Otero also needs to hear about the tremendous progress the City has made on homelessness since the injunction was issued in 2016. We've passed Proposition HHH and Measure H, identified interim housing sites and opened a storage facility, sobering center and the Refresh spot. We also are waiting for the $85 million for interim housing from the State surplus budget that we fought for. $20 million of this will go to Downtown, and two sites have already been identified in Downtown. **All of this progress is not recognized in *Mitchell*, and a trial would give the City the opportunity to stand up and showcase this work.**

We are at a unique inflection point where all parties are working toward the same goal of ending homelessness, and the City is at the cusp of making significant progress. We cannot let another court case get in the way.

CCA has built a diverse coalition of civic, business and community leaders -- including The LA Area Chamber of Commerce, The Midnight Mission, United Way, Weingart and others -- to voice our opinion on this issue and submitted a letter to the City. We will continue to share our thoughts with our elected officials, especially as we prepare for the case to be discussed at Homelessness and Poverty Committee on October 3 (tentative). Please let us know if you are interested in joining our coalition.

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